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WAK

In re application of  
Mussmann, L. et al..  
Serial No. 09/931, 162  
Filed: August 17, 2001  
For: OXYGEN STORAGE MATERIAL BASED ON  
CERIUM OXIDE

DECISION ON  
PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed March 29, 2005, for failure to timely pay the issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance.

The application was not abandoned for failure to pay the issue fee but for failure to pay for an extension of time. Applicants timely filed a reply to the Final Office Action with a petition for a three-month extension of time and including a check for \$980. Applicants further noted that the USPTO charge Deposit Account 11-0171 for any underpayments or fee deemed due. The \$980 check was returned to the USPTO for lack of funds however the USPTO did not charge the deposit account.

**DECISION**

This petition request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request does have merit.

The petition is **GRANTED**.

The fee for the extension of time will be charged to Deposit Account No. 11-0171 and the application will be returned to active status and forwarded to the examiner.

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